THE HON'BLE MR JUSTICE V.V.S.RAO

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WRIT PETITION No.27543 of 2005

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03.01.2006

Between:

Boini Yadamma, W/o.Shangappa

... Petitioner

AND

The Land Acquisition Officer and

Revenue Divisional Officer, Vikarabad,

Ranga Reddy District.

...Respondent

THE HON'BLE MR JUSTICE V.V.S.RAO

-

WRIT PETITION No.27543 of 2005

ORDER:

The petitioner is the owner of land admeasuring Acs.2.09 gts. comprised in survey No.274/A of Kalkada village of Marpally Mandal in Ranga Reddy District. It is the case of the petitioner that the respondent herein acquired the land for the purpose of formation of minor irrigation tank across Mandal Madgu Vagu during 1999 after duly notifying the land. The respondent issued a notice dated 28.1.2000 requiring the owners to appear before him along with documentary evidence and the petitioner appeared before the respondent on 04.2.2000. Though enquiry was conducted and compensation was paid to other owners, the respondent did not pay the compensation to the petitioner in spite of several representations. Therefore, the present writ petition is filed seeking a writ of Mandamus directing the respondent to pay the compensation along with other incidental benefits.

This Court heard the learned Counsel for the petitioner and learned Assistant Government Pleader for Revenue (Land Acquisition). There cannot be any dispute

that if the land of the petitioner is notified for acquisition for a public purpose and an award is passed, the petitioner gets an enforceable right and a Mandamus shall have to be issued directing the respondent to pay the compensation as determined. If the land of the petitioner though notified was not actually taken, there is no necessity to pay any compensation.

The petitioner has placed before this Court award passed by the respondents on 27.3.2000. The same would disclose that the land in survey No.274/A admeasuring Acs.2.09 gts., was not affected by formation of the minor irrigation tank across the vagu. The lands in survey Nos.14 to 18, 27, 273, 274 and 43/1 admeasuring Acs.58.13 were affected and accordingly a notification was issued under Section 4(1) of Land Acquisition Act, 1894. During the award enquiry, the petitioner appears to have filed a claim petition. The respondent considered the same and found that as per the report of sub-division records and demarcation, the land of the petitioner was not affected by the acquisition, and the lands of Boini Rachappa and others, who also owned small extents of land in survey No.274 were affected. The petitioner admittedly owns land in survey No.274/A and as per the award, the same was not acquired. When the land of the petitioner was not acquired, she cannot be said to have any right to claim compensation. As rightly contended by the learned Assistant Government Pleader, the petitioner's title is intact and she has all the rights to deal with the property that go with the title. Except observing that she can deal with the property, as she likes, she cannot be granted any relief in the writ petition.

The writ petition is accordingly dismissed. No costs.

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(**V.V.S.RAO, J**)

January 03, 2006.

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